

Bruce A. Schoenberg
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Attorneys for Defendants

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X	
JET ONE GROUP, INC.,	:
	:
Plaintiff,	:
	:
v.	:
	:
HALCYON JET HOLDINGS, INC.,	:
HALCYON JETS, INC.	:
ALFRED S. PALAGONIA a/k/a	:
AL PALAGONIA, MITCHELL BLATT,	:
MARK HADER, JAN E. CHASEN and	:
GREGORY D. COHEN,	:
	:
Defendants.	:
-----X	

Civil Action No. CV-08-3980

NOTICE OF MOTION
TO DISMISS COMPLAINT

TO: Steven G. Legum, Esq.
170 Old Country Road
Mineola, New York 11501

SIR:

PLEASE TAKE NOTICE THAT upon the accompanying Memorandum of Law in Support of Motion to Dismiss and the Declaration of Bruce A. Schoenberg in Support of Motion to Dismiss dated November 20, 2008 and the exhibits thereto, defendants Halcyon Jet Holdings, Inc., Halcyon Jets, Inc., Alfred S. Palagonia a/k/a Al Palagonia, Mitchell Blatt, Mark Hader, Jan E. Chasen and Gregory Cohen ("Defendants") shall move before the United States District Court for the Eastern District of New York (Hon. Joanna Seybert, U.S.D.J.) at the Alphonse D'Amato Courthouse, 100 Federal Plaza,

Central Islip, New York 11722-4449 on Friday, December 12, 2008 at 9:00 o'clock in the forenoon or as soon thereafter as counsel may be heard, for an Order: (1) dismissing the Complaint in this action pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure; (2) dismissing plaintiff's pendent state law claims pursuant to 28 U.S.C. § 1367(c)(3); and (3) granting defendants such other and further relief as the Court may deem just and equitable, including their reasonable attorneys' fees and costs of suit.

PLEASE TAKE FURTHER NOTICE THAT pursuant to Local Rule 6.1(b) of the Eastern District of New York and the individual rules of the Honorable Joanna Seybert, U.S.D.J., opposition papers, if any, must be served and filed within ten (10) days hereof.

PLEASE TAKE FURTHER NOTICE THAT oral argument is hereby requested.

Dated: New York, New York
November 20, 2008

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By: Bruce A. Schoenberg